



Election #5
J 9.26.02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Nabil Hanna Group Art Unit: 1642

Application Serial No. 09/853,580 Examiner: G. Nickol

Filed: May 14, 2001

Title: SYNERGISTIC COMPOSITION AND METHODS FOR TREATING NEOPLASTIC OR CANCEROUS GROWTHS AND FOR RESTORING OR BOOSTING HEMATOPOIESIS

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RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Hon. Commissioner of Patents

Washington, D.C. 20231

Sir:

In response to the Office Action [Election of Species Requirement] Applicants make the following elections:

- (i) as the detergent TWEEN 80;
- (ii) as the micelle-forming agent poloxamer 401;
- (iii) as the oil squalene;
- (iv) as the species in claims 18 and 19 anti-TGF β ; and
- (v) as the antigen species of claim 21 papillomavirus 7.

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This election is with traverse, especially as to the detergent, oil and micelle-forming agent, as Applicants have obtained generic protection to adjuvants containing these three moieties in several prior patents as disclosed in the subject application.

Also, the election is respectfully traversed with respect to the species requirements of claims 18 and 19, as all of these moieties operate via a similar mechanism; i.e., they are all TGF β antagonists and antagonize immunosuppressants secreted by the host. Therefore, all these species should be examined together.

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It is assumed that the Election is for purposes of examination and that upon a determination that the elected species is allowable, that the Examiner will extend the search to non-elected species.

Respectfully submitted,

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